Google Inc. et al v. Egger et al

Doc. 152

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON #76342
DAVID L. ANDERSON #149604
JACOB R. SORENSEN #209134
MARC H. AXELBAUM #209855
DANIEL J. RICHERT #232208
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

SIDLEY AUSTIN LLP
DAVID W. CARPENTER (admitted *pro hac vice*)
BRADFORD A. BERENSON (admitted *pro hac vice*)
EDWARD R. MCNICHOLAS (admitted *pro hac vice*)
DAVID LEE LAWSON (admitted *pro hac vice*)
ERIC A. SHUMSKY #206124
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8010
Facsimile: (202) 736-8711

Attorneys for the AT&T Defendants
and the Cingular Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION AND ~~[PROPOSED]~~ ORDER DEFERRING RESPONSES TO CONSOLIDATED COMPLAINTS**
This Document Relates To: All Consolidated Complaints	[Civil L.R. 6-2, 7-1(5), 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

Dockets.Justia.com

RECITALS

A. On November 17, 2006, this Court held an MDL Case Management Conference where, *inter alia*, the Court ordered Plaintiffs to file master consolidated complaints against various defendant groups. The Court, however, did not order responses to the consolidated complaints.

B. On January 16, 2007, Plaintiffs filed five consolidated complaints against several defendant groups. The first consolidated complaint (Dkt. 121) names as defendants AT&T Mobility LLC (formerly known as Cingular Wireless LLC); New Cingular Wireless Services, Inc.; and Cingular Wireless Corporation (collectively, "Cingular Defendants"). The second consolidated complaint (Dkt. 122) names as defendants TransWorld Network Corp. ("TransWorld"); Comcast Telecommunications, Inc. ("Comcast"); T-Mobile USA, Inc. ("T-Mobile"); and McLeodUSA Telecommunications Services, Inc. ("McLeod"). The third consolidated complaint (Dkt. 123) names as defendants Sprint Nextel Corporation; Sprint Communications Co. Ltd. Partnership; Nextel Communications, Inc.; Embarq Corporation; UCOM, Inc.; U.S. Telecom, Inc.; and Utelcom, Inc. (collectively, "Sprint Defendants"). The fourth consolidated complaint (Dkt. 124) names as defendants MCI Communications Services, Inc.; MCI, LLC; and Verizon Communications Inc. (and several subsidiaries of Verizon Communications Inc.) (collectively, "Verizon Defendants"). The fifth consolidated complaint (Dkt. 125) names as defendants BellSouth Communications, LLC; BellSouth Corp.; BellSouth Telecommunications, Inc. and AT&T Southeast (formerly known as BellSouth Corporation) (collectively, "BellSouth Defendants"). The Cingular Defendants, Comcast, Sprint Defendants, Verizon Defendants, and BellSouth Defendants are collectively referred to as the "Consolidated Defendants."[1]

---

[1] As stated in the Joint Case Management Statement in this MDL, "[p]ursuant to an agreement with the Plaintiffs in the *Dubois* case, Defendant Trans World Network Corp. has not responded to the complaint in *Dubois*, and counsel for Trans World has not entered an appearance in that case or in this proceeding." MDL Dkt. 61, at 3 n.7. As such, Trans World is not a party to this Stipulation. It is the understanding of Consolidated Defendants that Plaintiffs will soon be filing a notice of dismissal of Defendant McLeod from the second Consolidated Complaint.

C. Plaintiffs and Consolidated Defendants seek to clarify when the Consolidated Defendants must file responses to the consolidated complaints, and wish to address the matter at the hearing currently scheduled for February 9, 2007.

D. In furtherance of judicial economy, Plaintiffs and the Consolidated Defendants agree that the Consolidated Defendants need not file responses to any of the complaints before the Court clarifies when such responses will be due.

STIPULATION

Plaintiffs and the Consolidated Defendants hereby stipulate as follows:

1. At the hearing on the United States' motion for stay, currently scheduled for February 9, 2007, the parties will seek direction from the Court regarding when the Consolidated Defendants must respond to any of the complaints.

2. The Consolidated Defendants need not respond to any of the complaints until the Court sets a date for such responses.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 30, 2007, at San Francisco, California.

/s/ Marc H. Axelbaum

Dated: January 30, 2007.

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON
DAVID L. ANDERSON
JACOB R. SORENSEN
MARC H. AXELBAUM
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

SIDLEY AUSTIN LLP
DAVID W. CARPENTER
DAVID L. LAWSON
BRADFORD A. BERENSON
EDWARD R. McNICHOLAS
1501 K Street, N.W.
Washington, D.C. 20005

By *\/s/ Marc H. Axelbaum*
Marc H. Axelbaum

Attorneys for the AT&T Defendants and the Cingular Defendants

ELECTRONIC FRONTIER FOUNDATION
CINDY COHN (145997)
LEE TIEN (148216)
KURT OPSAHL (191303)
KEVIN S. BANKSTON (217026)
CORYNNE MCSHERRY (221504)
JAMES S. TYRE (083117)
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333
Fax: (415) 436-9993

By *\/s/ Cindy Cohn*
Cindy Cohn
Attorneys for AT&T Class Plaintiffs and Co-Chair of Plaintiffs' Executive Committee

WILMER CUTLER PICKERING HALE AND DORR LLP
JOHN A. ROGOVIN
RANDOLPH D. MOSS
SAMIR C. JAIN
BRIAN M. BOYNTON
BENJAMIN C. MIZER
1875 Pennsylvania Ave, NW
Washington, DC 20006
Telephone: (202) 663-6000
Fax: (202) 663-6363

By *\/s/ John Rogovin*
John Rogovin
Attorneys for the Verizon Defendants

FARELLA BRAUN & MARTEL
DOUGLAS R. YOUNG
Russ Building, 30th Floor
235 Montgomery Street
San Francisco, CA 94109
Telephone: (415) 954-4438

ALSTON & BIRD LLP
MICHAEL P. KENNY
WILLIAM H. JORDAN
1201 W. Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 881-7000

By *\/s/ William H. Jordan*
William H. Jordan
Attorneys for the BellSouth Defendants

WILLIAMS & CONNOLLY LLP
BRENDAN V. SULLIVAN, JR.
JOHN G. KESTER
GILBERT O. GREENMAN
725 Twelfth Street, NW
Washington, DC 20005
Telephone: 202-434-5000
Email: jkester@wc.com; ggreenman@wc.com

By *_____/s/ John G. Kester_____*
John G. Kester
Attorneys for the Sprint Defendants

WOLF, BLOCK SCHORR and SOLIS-COHEN LLP
M. NORMAN GOLDBERGER
CHRISTOPHER L. SORIANO
1650 Arch Street, 22nd Floor
Philadelphia, PA 19103
Telephone: 215-977-2000
Email: mgoldberger@wolfblock.com; csoriano@wolfblock.com

HOOVER HULL LLP
ANDREW W. HULL
ALICE M. MORICAL
JASON L. FULK
111 Monument Circle, Suite 4400
Indianapolis, IN 46244
Telephone: (317) 822-0294
Email: awhull@hooverhull.com; amorical@hooverhull.com; jfulk@hooverhull.com

By *_____/s/ Christopher L. Soriano_____*
Christopher L. Soriano
Attorneys for Comcast

~~[PROPOSED]~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court orders the following:

1. At the hearing on the United States' motion for stay, currently scheduled for February 9, 2007, the Court will address when Defendants must respond to the complaints filed against them.

2. No Defendants need respond to any complaints until the Court sets a date such a response.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ~~January __, 2007.~~
February 1, 2007

UNITED STATES DISTRICT COURT
IT IS SO ORDERED
Judge Vaughn R Walker
NORTHERN DISTRICT OF CALIFORNIA

Hon.
United States District Chief Judge